

8 - 6 FUNDING FOR REVIEW OF APPLICATIONS AND MODIFICATIONS

ISSUE: **Should the Radiation Control Act (UCA 19-3) be amended to require upfront monies for review of a new commercial radioactive waste facility application to make it consistent with provisions within the Solid and Hazardous Waste Act? (See UCA 19-6-120(4))**

Should the Radiation Control Act be amended to be consistent with the Solid and Hazardous Waste Act in terms of charges for review of major and minor modifications? (See UCA 19-6-120(8)(a)(i)(ii) regarding major modifications and (b)(i)(ii) regarding minor modifications)

RECOMMENDATION:

- (1) Change to the Radiation Control Act as follows regarding the upfront monies for review of new applications by adding a provision to 19-3-105 to include the following:

The owner or operator of a new commercial radioactive waste facility shall, at the time of filing of the siting review application, pay to the department the nonrefundable sum of \$100,000. The department shall bill the owner and operator of the facility for any additional actual costs of the siting or licensing application review, up to the actual costs established through fees under Section 63-38-3.2.

- (2) Fees for review of commercial radioactive wastes facility modifications should be consistent with fees for review of commercial hazardous waste facilities

BACKGROUND:

Currently, there are no provisions within the Radiation Control Act that require an applicant for a new commercial radioactive waste facility to provide any upfront monies to initiate review of a siting or license application. Fees established under the DEQ schedule approved by the Legislature allow the department to collect up to \$250,000 in actual costs for a siting application review and up to \$1,000,000 for a license application review. These fees, in turn, are used to pay a contractor to review the application.

The upfront fees within the Solid and Hazardous Waste Act ensure that an applicant is serious regarding the desire for a license for a new facility. At this juncture under the Radiation Control Act, anyone can come forth and file an application. The department has a responsibility to review a license application notwithstanding the applicant's ability to pay for such a review. When an application review begins, the department could spend money for contractor support, and an applicant could resist paying or abandon the application process, leaving the department with a serious financial liability.

The major issue associated with the second question is whether or not there should be consistency in fees charged for review of major and minor modifications at a commercial

facility. The Solid and Hazardous Waste Act establishes an upfront fee of \$1,000 for each major modification and the ability of the Division to charge up to an additional \$49,000. For a minor modification, the Act again requires an upfront fee of \$1,000 for each modification and the ability of the Division to charge up to an additional \$19,000. Under provisions of the DEQ fee schedule, radioactive material licensees (which would include Envirocare), each licensee is allowed to submit up to three license amendments without additional charges. Any modification request following the initial three requests cost the licensee a \$200 fee.